

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

BRANDON SMITH,

Plaintiff,

v.

Case No. 3:22-cv-00644

AHMAD M. SALEM,

Defendant.

**PLAINTIFF BRANDON SMITH'S UNOPPOSED MOTION TO AMEND COMPLAINT**

Plaintiff Brandon Smith ("Plaintiff"), by and through his attorney, Rebecca J. Hutto, moves this Court pursuant to FED. R. CIV. P. 15 for an order granting leave of court to amend the complaint previously filed in this cause. The Plaintiff will state and show the following in support of this motion, to-wit:

1. In the underlying complaint filed in this cause, Plaintiff states that the discriminatory violations described therein are not an exhaustive list of the Defendants' current barriers to equal access and violations of the ADA because Plaintiff was unable to access and assess all areas of the subject premises due to the architectural barriers encountered. A complete list of the subject location's ADA violations affecting the Plaintiff as a wheelchair user, and the remedial measures necessary to remove the same, will require an on-site inspection by Plaintiff's representatives pursuant to Federal Rule of Civil Procedure 34. Once the Plaintiff personally encounters

discrimination, as alleged above, or learns of discriminatory violations through expert findings of personal observation, he has actual notice that the defendant does not intend to comply with the ADA. (ECF Doc. 1, Paragraph 36)

1. Recently, Plaintiff had his expert conduct an inspection of the property. Plaintiff's expert identified numerous additional barriers to entry at the Subject Property.

2. Plaintiff now seeks to amend the complaint in this cause. A copy of the proposed amended complaint is attached and marked "Exhibit 1" to this motion.

3. The pertinent part of FED. R. CIV. P. 15 states that the court should freely give leave to amend a pleading when justice so requires. In the case at bar, justice requires the complaint to be amended to encompass all barriers to entry at the Subject Property. Due to the hardship placed on Plaintiff by the existence of the barriers enumerated in the complaint, Plaintiff could not possibly identify all barriers to entry at the Subject Property. In order to prevent further discrimination against Plaintiff and other wheelchair bound individuals, this Honorable Court should grant the motion to amend the complaint so that all barriers present at the property can be addressed and remediated.

4. Counsel for the Defendants does not oppose this motion.

For the foregoing reasons, Plaintiff respectfully requests that this Honorable Court enter an order granting leave of court for the Plaintiff to file Plaintiff's First Amended Complaint (Ex.1) and for any other relief, specific or general, to which the Plaintiff may be entitled.

Dated this the 1<sup>st</sup> day of June, 2023.

/s/ Rebecca J. Hutto

Rebecca J. Hutto #39252  
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### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on the 1<sup>st</sup> day of June, 2023, the foregoing document is being served this day on all counsel of record identified on the Service List set forth below via transmission of electronic mail.

/s/ Rebecca J. Hutto

### **SERVICE LIST**

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